

# HOUSE BILL No. 1246

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1-6; IC 14-8-2-125; IC 14-9-4-1; IC 14-15; IC 14-16-1-19; IC 14-22; IC 14-31-3; IC 14-34-19-12; IC 25-36.5-1.

**Synopsis:** Various natural resources matters. Provides that an application to have land classified as native forest land, a forest plantation, or wildlands must be handled by the county assessor. (Current law requires the county auditor to handle the applications.) Provides that a person who operates certain boats that do not have an aft light commits a Class C infraction. Changes the name of the public information and education division of the department of natural resources (DNR) to the communications division. Specifies the type of flotation device that a person on a boat or personal watercraft must have. Amends the list of law enforcement offices that may be notified of a boating accident. Provides that the violation of certain boating rules is a Class C infraction. Allows the operator of a nonregistered off-road vehicle or a snowmobile from another state or country to purchase a trail use tag to operate on designated trails and properties. Allows the director of DNR to authorize the taking of wild animals on historic site property if certain conditions are met. Removes DNR's authority to issue commemorative migratory waterfowl and game bird habitat restoration stamps. Allows the manager of a public use airport, or the manager's designee, to trap coyotes and migratory birds without a license if the coyotes or birds pose a threat to aircraft. Removes a provision concerning the application of hunter orange requirements during certain hunting seasons. Provides that a ginseng dealer who purchases or sells ginseng for resale or exportation without a license commits a Class B misdemeanor. Amends certain lien procedures on complete projects to restore or prevent adverse effects of past coal mining practices on privately owned land. Increases the registration fees for timber buyers and agents of timber buyers.

**Effective:** July 1, 2016.

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**Eberhart, Arnold L, Kersey**

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January 11, 2016, read first time and referred to Committee on Natural Resources.

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Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## HOUSE BILL No. 1246

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 6-1.1-6-12 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. If in the state  
3       forester's opinion an application filed under section 11 of this chapter  
4       and the land to be classified comply with the provisions of this chapter,  
5       the state forester shall approve the application. In addition, the state  
6       forester shall notify the ~~auditor~~ **assessor** of the county in which the land  
7       is located that the application has been approved and return one (1)  
8       approved application form to the applicant.

9       SECTION 2. IC 6-1.1-6-13, AS AMENDED BY P.L.66-2006,  
10       SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11       JULY 1, 2016]: Sec. 13. If an application filed under section 11 of this  
12       chapter is approved, the applicant shall record the approved application  
13       in the applicant's name. However, if the applicant is a partnership,  
14       corporation, limited liability company, or association, the applicant  
15       shall record the approved application in the name of the partnership,  
16       corporation, limited liability company, or association. When an  
17       approved application is properly recorded, the county ~~auditor~~ **assessor**



shall enter the land for taxation at an assessed value determined under section 14 of this chapter.

SECTION 3. IC 6-1.1-6-23, AS AMENDED BY P.L.66-2006, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. If land classified as native forest land, a forest plantation, or wildlands is withdrawn from the classification, the state forester shall immediately notify the ~~auditor~~ **assessor** of the county in which the land is situated that the land has been withdrawn. In addition, when land is withdrawn, the owner of the land shall make a notation of the withdrawal in the records of the county recorder on forms provided by the state forester.

SECTION 4. IC 14-8-2-125, AS AMENDED BY P.L.167-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 125. "Historic site" **has the following meanings:**

(1) For purposes of IC 14-21-1, means a site that is important to the general, archeological, agricultural, economic, social, political, architectural, industrial, or cultural history of Indiana. The term includes adjacent property that is necessary for the preservation or restoration of the site.

(2) **For purposes of IC 14-22-6, the meaning set forth in IC 4-37-1-7.**

SECTION 5. IC 14-9-4-1, AS AMENDED BY P.L.151-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The following divisions are established within the department:

- (1) Accounting.
- (2) Administrative support services.
- (3) Budget.
- (4) Engineering.
- (5) Entomology and plant pathology.
- (6) Fish and wildlife.
- (7) Forestry.
- (8) Historic preservation and archeology.
- (9) Human resources.
- (10) Internal audit.
- (11) Land acquisition.
- (12) Law enforcement.
- (13) Management information systems.
- (14) Nature preserves.
- (15) Oil and gas.
- (16) Outdoor recreation.
- (17) ~~Public information and education.~~ **Communications.**



- (18) Reclamation.
- (19) Reservoir management.
- (20) Safety and training.
- (21) State parks.
- (22) Water.
- (23) State land office.

SECTION 6. IC 14-15-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) This section does not apply to the following:

- (1) A sailboard or windsurfing board.
- (2) A manually propelled boat, such as a racing shell, rowing scull, or racing kayak:
  - (A) that is recognized by national or international racing associations for use in competitive racing;
  - (B) in which all occupants row, scull, or paddle, with the exception of a coxswain if a coxswain is provided; and
  - (C) that is designed to carry and carries equipment only for competitive racing.

(b) All boats must be equipped with the number and type of personal flotation devices listed in this subsection. A person may not operate a boat unless the boat contains:

- (1) for each person on board, one (1) personal flotation device that meets the requirements for designation by the United States Coast Guard as a ~~Type I, Type II, Type III, or Type V~~ **wearable** personal flotation device; and
- (2) for a boat, except a canoe or kayak, at least sixteen (16) feet in length and in addition to the requirements of subdivision (1), one (1) personal flotation device that meets the requirements for designation by the United States Coast Guard as a ~~Type IV~~ **throwable** personal flotation device.

(c) The director may waive the requirements of this section for a boat during competition in a boat race for which a permit has been issued by the department if the following conditions are met:

- (1) The sponsor of the boat race has informed the director of the precautions the sponsor will take to minimize the safety hazards that exist due to noncompliance with the requirements of this section.
- (2) The sponsor files with the director a document under which the sponsor assumes all liability that may result from the use of a boat under the waiver.

SECTION 7. IC 14-15-2-15, AS AMENDED BY P.L.195-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2016]: Sec. 15. (a) A person who violates section 1, 2, 3, 4, 5, 6, 7(b), 9, 10, **11**, 12, 13, or 14 of this chapter commits a Class C infraction.

(b) A person who violates section 7(c) or 8 of this chapter commits a Class A infraction. Notwithstanding IC 34-28-5-4(a), a judgment of at least one thousand dollars (\$1,000) shall be imposed for each Class A infraction committed in violation of section 7(c) or 8 of this chapter.

SECTION 8. IC 14-15-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The operator of a boat involved in an accident or a collision resulting in:

(1) injury to or death of a person; or

(2) damage to a boat or other property to an apparent extent of at least seven hundred fifty dollars (\$750);

shall provide the information required under subsection (b).

(b) An operator of a boat subject to subsection (a) shall do the following:

(1) Give notice of the accident to:

(A) the office of the sheriff of the county;

(B) the nearest state police post; or

(C) ~~the nearest conservation office;~~ **central dispatch center for the law enforcement division of the department;** immediately and by the quickest means of communication.

(2) Mail to the department a written report of the accident or collision within twenty-four (24) hours of the accident or collision.

SECTION 9. IC 14-15-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The department may adopt rules under IC 4-22-2 to implement this article concerning the following:

(1) Applications for and the issuance of permits and certificates required by this article.

(2) The conduct of watercraft races.

(3) Standards of safety for boats used to carry passengers for hire, the determination of the maximum weight that may safely be carried on boats, and the inspection of boats.

(4) The safe operation of watercraft upon public water where unusual conditions or hazards exist, such as any of the following:

(A) An obstruction in or along public water.

(B) Watercraft traffic congestion.

(C) A beach, boat launch, marina, dam, spillway, or other recreational facility on or adjacent to public water.

(5) The placement, location, and maintenance of the following



structures upon public water:

(A) Buoys.

(B) Markers.

(C) Flags.

(D) Devices that are used for the purposes of swimming or extending the use of water skis, water sleds, or aquaplanes.

(6) The establishment of zones where the use of watercraft may be limited or prohibited for the following purposes:

(A) Fish, wildlife, or botanical resource management.

(B) The protection of users.

(7) The regulation of watercraft engaged in group or organized activities or tournaments.

(b) In a rule adopted under subsection (a)(4) or (a)(6), the department may establish a zone where:

(1) the operation of all or some types of watercraft is prohibited;

(2) particular activities are restricted or prohibited; or

(3) a limitation is placed on the speed at which a watercraft may be operated.

**(c) A person who violates this section commits a Class C infraction.**

SECTION 10. IC 14-15-12-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. A person shall not operate a personal watercraft on public waters unless every individual:

(1) operating;

(2) riding on; or

(3) being towed by;

the personal watercraft is wearing a personal flotation device that meets the requirements for designation by the United States Coast Guard as a ~~Type I, Type II, Type III, or Type V~~ **wearable** personal flotation device, if applicable.

SECTION 11. IC 14-16-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. **(a)** A vehicle registered in another state or country to a nonresident of Indiana may be operated within Indiana under authority of the registration for a period not to exceed twenty (20) days in one (1) year.

**(b) A vehicle that is:**

**(1) from another state or country and is not registered in that state or country; and**

**(2) owned by a nonresident of Indiana;**

**may be operated on designated trails and properties owned or managed by the department if the operator of the vehicle pays a fee set by the commission for an annual trail use tag.**



SECTION 12. IC 14-22-6-13, AS AMENDED BY P.L.219-2014,  
SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2016]: Sec. 13. If the director:

(1) determines that a species of wild animal present within a state  
park **or historic site** poses an unusual hazard to the health or  
safety of one (1) or more individuals;

(2) determines, based upon the opinion of a professional biologist,  
that it is likely that:

(A) a species of wild animal present within a state park **or  
historic site** will cause obvious and measurable damage to the  
ecological balance within the state park **or historic site**; and

(B) the ecological balance within the state park **or historic site**  
will not be maintained unless action is taken to control the  
population of the species within the state park **or historic site**;  
or

(3) is required under a condition of a lease from the federal  
government to manage a particular wild animal species;  
the director shall authorize the taking of a species within the state park  
**or historic site** under rules adopted under IC 4-22-2.

SECTION 13. IC 14-22-7-3, AS AMENDED BY P.L.151-2012,  
SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2016]: Sec. 3. (a) An individual may not hunt a migratory  
waterfowl within Indiana without having an electronically generated  
migratory waterfowl stamp issued by the department. The stamp must  
be in the possession of each individual hunting a migratory waterfowl.  
The licensee shall validate the stamp with the signature, in ink, of the  
licensee on the hunting license on which the electronically generated  
form of the stamp is attached.

~~(b) The department shall determine the form of the migratory  
waterfowl stamp and may create and sell commemorative migratory  
waterfowl stamps.~~

SECTION 14. IC 14-22-8-4, AS AMENDED BY P.L.151-2012,  
SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2016]: Sec. 4. (a) An individual may not hunt a game bird  
within Indiana without having an electronically generated game bird  
habitat restoration stamp issued by the department. The stamp must be  
in the possession of each individual hunting a game bird. The licensee  
shall validate the stamp with the signature of the licensee on the  
hunting license on which the electronically generated form of the stamp  
is attached.

~~(b) The department shall determine the form of the stamp and may  
create and sell commemorative game bird habitat restoration stamps.~~



SECTION 15. IC 14-22-11-1, AS AMENDED BY P.L.194-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) As used in this section, "farmland" means agricultural land that is:

(1) devoted or best adaptable for the production of crops, fruits, timber, and the raising of livestock; or

(2) assessed as agricultural land for property tax purposes.

(b) An individual may not take or chase, with or without dogs, a wild animal without having a license, except as follows:

(1) An individual who is a resident or nonresident of Indiana while participating in a field trial that has been sanctioned by the director is not required to possess a license while participating in the trial.

(2) Subject to subsection (d), an owner of farmland located in Indiana who is a resident or nonresident of Indiana and the spouse and children living with the owner may hunt, fish, and trap without a license on the land that the owner owns.

(3) A lessee of farmland who farms that land and is a resident of Indiana and the spouse and children living with the lessee may hunt, fish, and trap without a license on the leased land. This subdivision does not apply to land that is:

(A) owned, leased, or controlled by; and

(B) leased from;

the department.

(4) An individual who:

(A) is less than thirteen (13) years of age;

(B) does not possess a bow or firearm; and

(C) is accompanying an individual who:

(i) is at least eighteen (18) years of age; and

(ii) holds a valid license;

may chase a wild animal without having a license.

(5) The manager of a public use airport (as defined by 49 U.S.C. 47102(22)), or the manager's designee, may chase or take ~~except by trapping~~, at any time, without a license, a:

**(A) white-tailed deer, except by trapping;**

**(B) coyote;**

**(C) wild turkey, except by trapping; or**

**(D) migratory bird;**

that poses a threat to aircraft within the airport operations area.

(c) The exceptions provided in this section do not apply to a commercial license issued under this article.

(d) The right of a nonresident who owns farmland in Indiana (and





1 of the spouse and children who reside with the nonresident) to hunt,  
 2 fish, and trap on the farmland without a license under subsection (b)(2)  
 3 is subject to the following conditions:

4 (1) The nonresident may hunt, fish, and trap on the farmland  
 5 without a license only if the state in which the nonresident resides  
 6 allows residents of Indiana who own land in that state to hunt,  
 7 fish, and trap on their land without a license.

8 (2) While hunting, fishing, or trapping on the farmland, the  
 9 nonresident must keep proof that the nonresident owns the  
 10 farmland (for example, a tax receipt identifying the nonresident  
 11 as owner) in a place where the proof is readily accessible by the  
 12 nonresident.

13 (e) The manager of a public use airport (as defined by 49 U.S.C.  
 14 47102(22)), or the manager's designee, shall report annually to the  
 15 department the following:

16 (1) The number of animals killed under subsection (b)(5) by  
 17 species.

18 (2) The date the animal was taken.

19 (3) The name and address of the person who took the animal,  
 20 other than a migratory bird.

21 (4) The disposition of the animal.

22 (5) The name and address of the person to whom the animal was  
 23 given as a gift or donated (if applicable).

24 A copy of the report must be kept at the public use airport (as defined  
 25 by 49 U.S.C. 47102(22)) and be available upon request to an employee  
 26 of the department. White-tailed deer and wild turkeys must be tagged  
 27 or accompanied by a piece of paper that includes the name and address  
 28 of the person who took the deer or wild turkey, the date the deer or wild  
 29 turkey was taken, and the location where the deer or wild turkey was  
 30 taken before processing of the deer or wild turkey begins. However, it  
 31 is not a violation of this subsection if the manager of a public use  
 32 airport (as defined by 49 U.S.C. 47102(22)), or the manager's designee,  
 33 fails to submit an annual report under this subsection, as long as the  
 34 manager of a public use airport (as defined by 49 U.S.C. 47102(22)),  
 35 or the manager's designee, provides the relevant information requested  
 36 by the department not later than fourteen (14) calendar days after  
 37 receiving a request from the department. If the manager of a public use  
 38 airport (as defined by 49 U.S.C. 47102(22)) or the manager's designee  
 39 does not provide the information requested by the department within  
 40 the required fourteen (14) day period, the manager of the public use  
 41 airport (as defined by 49 U.S.C. 47102(22)) and any designee of the  
 42 manager are required to obtain a permit from the department to chase



or take a wild animal during the following calendar year.

SECTION 16. IC 14-22-38-7, AS AMENDED BY P.L.289-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) As used in this section, "hunter orange" means a daylight fluorescent orange with the dominant wavelength 595-605 nm, a purity of not less than eighty-five percent (85%), and a luminance factor of not less than forty percent (40%).

(b) As used in this section, "wear hunter orange" means to expose on one's person as an outer garment one (1) or more of the following articles of clothing that are solid hunter orange in color:

- (1) A vest.
- (2) A coat.
- (3) A jacket.
- (4) Coveralls.
- (5) A hat.
- (6) A cap.

However, articles of clothing specified under this section with logos, patches, insignia, or printing that does not substantially hinder the visibility of the hunter orange material are allowed under this section.

~~(c) This subsection applies only during the season when hunting by firearms (as defined in IC 14-22-40-3) is permitted under 312 IAC. A person who hunts for:~~

- ~~(1) deer by firearm or bow and arrow;~~
- ~~(2) cottontail rabbit;~~
- ~~(3) squirrel, unless from a boat, during the period:~~
  - ~~(A) beginning on the first Friday that follows November 3; and~~
  - ~~(B) ending on January 31 of the following year;~~
- ~~(4) woodcock;~~
- ~~(5) pheasant;~~
- ~~(6) quail; or~~
- ~~(7) ruffed grouse;~~

~~must wear hunter orange.~~

~~(d) (c)~~ (c) A person who violates the requirement to:

- (1) wear hunter orange; or
- (2) display hunter orange on an occupied ground blind;

as specified in 312 IAC 9 commits a Class D infraction.

SECTION 17. IC 14-31-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) As used in this chapter, "ginseng dealer" means a person who buys **or sells** ginseng roots from ginseng harvesters or other ginseng dealers for resale or exportation.

(b) The term does not include a person who sells solely for domestic



consumption.

SECTION 18. IC 14-31-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. A ginseng dealer who:

(1) purchases **or sells** ginseng **for resale or exportation** without a license; or

(2) obtains a license because of a false or an incorrect statement; commits a Class B misdemeanor.

SECTION 19. IC 14-34-19-12, AS AMENDED BY P.L.165-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Within six (6) months after the completion of projects to restore, reclaim, abate, control, or prevent adverse effects of past coal mining practices on privately owned land, the director:

(1) shall itemize the money expended; and

(2) **if a lien reveals an increase in the property value of at least twenty-five thousand dollars (\$25,000) per landowner per project**, may, subject to subsection (b), **file have an independent appraisal conducted**. A statement **may be filed** with the county recorder in the county in which the land lies together with a notarized appraisal by an independent appraiser of the value of the land before the restoration, reclamation, abatement, control, or prevention of adverse effects of past coal mining practices if the money expended results in a significant increase in property value. The statement constitutes a lien upon the land. The lien may not exceed the amount determined by the appraisal to be the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices.

(b) A lien may not be filed against the property of a person under subsection (a) who did not:

(1) consent to;

(2) participate in; or

(3) exercise control over;

the mining operation that necessitated the reclamation **work** performed under this chapter.

(c) The landowner may petition within sixty (60) days of the filing of the lien to determine the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices. The amount reported to be the increase in value of the premises constitutes the amount of the lien and shall be recorded with the statement filed under subsection (a). A party aggrieved by the decision may appeal as



provided by law.

(d) The director shall record the lien with the county recorder in the county in which the land is located. The statement:

- (1) constitutes a lien upon the land as of the date of the expenditure of the money; and
- (2) has priority as a lien second only to the lien of real estate taxes imposed upon the land.

SECTION 20. IC 25-36.5-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The application fee or renewal fee for a registration certificate to operate as a timber buyer, is one hundred ~~five fifty~~ dollars (~~\$105~~). (**\$150**). The fee for a certificate stating that a registration certificate has been issued and security filed is twenty dollars (\$20). All fees collected by the department accrue to the use of the department for its administrative purposes.

SECTION 21. IC 25-36.5-1-15, AS AMENDED BY P.L.155-2015, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) An individual who acts as the agent of a timber buyer must have an agent's license and carry the agent's card that verifies the license.

(b) An agent's license may be granted only:

- (1) to qualified individuals;
- (2) at the written application of the timber buyer who the agent is to represent; and
- (3) under that timber buyer's registration certificate.

(c) The application for an agent's license must contain the agent's full name, address, and other information as required by the department on forms supplied by the department. Each timber buyer is responsible for all of the agent's activities performed while acting under the timber buyer's registration certificate as they pertain to this chapter.

(d) An application fee of ~~ten twenty~~ dollars (~~\$10~~) (**\$20**) for each agent shall be charged for the license and agent's card.

(e) An agent's license may be revoked by the department under IC 4-21.5 if the agent does not comply with this section.

(f) An agent may have a license to represent only one (1) timber buyer. However, upon surrendering the agent's card and license under one (1) timber buyer, an individual may be licensed as an agent of another timber buyer.

(g) A timber buyer may not be licensed as an agent except as the principal agent of that timber buyer.

(h) A timber buyer may not effect or attempt to effect a purchase except through an agent.

(i) A timber buyer may terminate an agency relationship by



- 1 notifying in writing the agent and the department. Termination of an  
2 agency relationship revokes the agent's license.  
3 (j) A person who acts as an agent without a license commits a Class  
4 B misdemeanor.

